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NOTIFICATIONS BY GOVERNMENT

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HIGHER EDUCATION DEPARTMENT
[U.E]

AMENDMENTS TO THE ANDHRA PRADESH HIGHER EDUCATION REGULATORY
AND MONITORING COMMISSION RULES, 2019.

[G.O.Ms.No.24, Higher Education (U.E), 25th July, 2020.]

NOTIFICATION

In exercise of the powers conferred under sub-section (1) of section 23 of the Andhra Pradesh Higher Education Regulatory and Monitoring Commission Act, 2019 (Act.No.20 of 2019), the Governor of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Higher Education Regulatory and Monitoring Commission Rules, 2019 issued in G.O.Ms.No.49, H.E(U.E) Dept, Dated: 11.10.2019, as subsequently amended from time to time.

AMENDMENTS

In the said rules,

(1) in rules 3, for sub-rule (4), the following shall be substituted, namely:-

“(4) The Search- cum-Selection Committee shall recommend the members for the constitution of the Commission to be notified by the Government;”

(2) in rules 7,

“(i) In the heading, for the word “Standard” the word “Standards” shall be substituted”

(ii) for sub-rule(1), the following shall be substituted,namely:-

“(1) The Commission shall perform all functions as laid down in section 9 of the Act as well as such other functions as may be deemed fit to achieve the objectives laid down in the Act;”

(iii) for sub-rule(2), the following shall be substituted,namely:-

“(2) Inspection: The Commission shall have the power to enter, inspect, examine and call for such information at any time as it considers necessary from institutions of Higher Education for the purpose of the Act and also interact with the students of an institution to apprise itself regarding the standards of education laid down by regulatory authorities.”

(iv) after sub-rule (2) as after amended, the following shall be inserted,namely,-

(2-A) Examinations: The Commission may ensure that the examination and evaluations system adopted by the Higher Educational Institutions enhances and sustains excellence in Education. The examination system should be fair, reliable and transparent. An important measure of the success of the examination system is its credibility. The objective of the examinations system should be :

- (i) To conduct all examinations as per the pre-published calendar,
- (ii)To curb malpractice and unfair means in the Examinations,
- (iii)To maintain confidentiality, reliability and transparency in the examination system,
- (iv) To evaluate through a Central Assessment Process in a minimum period,
- (v) To publish the results in the shortest possible time, and
- (vi) The Higher Educational Institutions should make efforts towards this goal and the Commission may take action towards the achievement of this goal.

(iv) for sub-rule(3), the following shall be substituted,namely:-

“(3) Service Condition of Teachers :It shall be the duty of the commission to ensure compliance by the higher education institutions of the following;

(a): Recruitment of Staff :Recruitment of teaching and non-teaching staff by the Higher Educational Institutions in accordance with central and state laws;

(b): Qualification and Pay:The Commission shall ensure that all Higher Education Institutions follow the qualification and pay guidelines prescribed by the Regulatory Authorities;

(c) Selection and Appointment:The Commission shall ensure that the selection and appointment of all teachers are done in accordance with guidelines prescribed by the Regulatory Authorities/Universities;

(d) Schedule of employment to be maintained : Every Higher Educational Institution shall maintain a schedule of employees indicating therein the number of persons in its employment, the name and qualification of each employee, the pay and such other particulars;

(e) Higher Educational Institutions shall update the above information under this rule on the website of the Commission from time to time.

(f) The Commission may ensure that Higher Educational Institutions work towards Intensive Research, Consultancy, Extension and Collaborative Initiatives. The Commission may take appropriate measures from time to time towards this achievement.

The functions of the Commission in this regard shall be in supplemental to other regulatory authorities."

(3) In rule 8,

(i) for sub-rule (3), the following shall be substituted, namely:-

"(3): The Commission shall be at liberty to review, approve or alter the proposed fee for each course to be charged by the Institution;

Provided that it shall give the Institution an opportunity of being heard before determining any fee or fees;

(ii) in sub-rule (4) for clause (g), the following shall be substituted, namely:-

"(g) Regulations with regard to fee determination prescribed under Section 22 of the Act.

Provided that, no such fee, as may be determined by the Commission, shall amount to profiteering or commercialization of education."

(iii) for sub-rule (5), the following shall be substituted, namely:-

"(5) The Commission shall communicate the fee structure, as determined by it, to the Government, for notification under the Andhra Pradesh Educational Institutions (Regulation of Admissions and Prohibition of Capitation Fee) Act, 1983."

(iii) for sub-rule (6), the following shall be substituted, namely:-

"(6) The fee approved by the Commission at any point of time shall be ordinarily valid for a period of three (3) years, next;

Provided that the Commission shall have the discretion to determine the fee for a specific year or years under special circumstances;”

(4) for rule 9, the following shall be substituted, namely:-

“(a) The Commission shall have power to require the Higher Educational Institutions to furnish information as may be necessary for enabling the Commission to regulate the conduct of admission and/or to determine the fee in respect of each Course offered in the Institutions;”

(b) The Commission shall supervise and regulate the aspect of conduct of Entrance Tests/Admissions made by the Higher Educational Institutions and ensure that the admissions are done in a fair, transparent and non-exploitative manner. If the Commission comes to the conclusion, after giving an opportunity of representation, that the admissions were not conducted in a fair, transparent and non-exploitative manner or were not conducted in accordance with relevant admission rules, it shall have the power to cancel such admissions and issue such orders as it may deem fit;

(c) The Commission shall specify the standard and procedures to be adopted by the Association of Private Unaided Higher Educational Institutions to furnish, by a prescribed date, information as may be necessary for enabling the Commission to regulate the conduct of admissions and/or to determine the fee in respect of each course offered in the Institution;

(d) The Commission shall call for options from Unaided Minority and Non-Minority Higher Educational Institutions to opt either for the Common Entrance Test conducted by the Government or its Agency or the Common Entrance Test conducted by the Association of Higher Educational Institutions;

(e) The Commission shall call for options from Unaided Minority Higher Educational Institutions to opt either for the Single Window System for admission to be operated by the Government or its agency or the same operated by the Association of Unaided Higher Educational Institutions ”.

(5) In rule 11,

(i) for clauses (a) and (b), the following shall be substituted,namely:-

“(a) The Commission shall discharge all the duties and functions of AFRC as per Section 12 (1) of the Act. The AFRC shall cease to hold office, as and when the Commission takes charge and G.O. Ms. No.6 dated 8-01-2007 is deemed to be automatically withdrawn;

(b) All matters pending with the AFRC shall be deemed to have been transferred to the Commission including the issues of fee determination which have not been notified as per Act 5 of 1983, as and when the Commission takes charge;"

(6). After rule 11, as after amended, the following new rule shall be inserted namely;

"(11-A) Penalties:

(1) In case a Higher Educational Institution contravenes any of the provisions of the Act or the Rules or Regulations made thereunder or directions issued by the Commission in due performance of its statutory functions, or non-compliance of the standards laid down by the Regulatory Authorities, the Commission may, for reasons to be recorded in writing, impose any or all of the penalties mentioned below, as it deems appropriate, basing on the nature of such contravention:

(a) Cancel the admissions made in an unfair or wrongful manner;

(b) Order refund of fee to the concerned student(s) from whom the same has been wrongfully collected;

(c) Impose a penalty up to three times the amount collected from the student(s)/Parent(s) in excess of the actual fee prescribed by the Commission/Government;

(d) Impose a penalty of up-to Rs.15.00 lakhs (Rupees fifteen lakhs only) for contravention of any standards/guidelines prescribed by any Regulatory Authority, affiliating University or the Commission relating to admissions, teaching standards, research, examination, recruitment, qualification and remuneration of teaching staff and infrastructure (physical and academic)

Provided that no penalty shall be imposed unless the Higher Educational Institution concerned is first issued a Show-Cause Notice specifying the alleged contraventions and given an opportunity of being heard.

(2) In addition to the action under sub-rule (1) of Rule 11.A, for contravention of any provision of the Act, rules and regulations made thereunder or non-compliance of the standards laid down by the Regulatory Authorities, the Commission may advise/ recommend the appropriate regulatory authority and the concerned University for the withdrawal/rejection of affiliation or recognition of a higher educational institution.

(7) In rule 12 for clause (c) and (f), the following shall be substituted namely:-

"(c) The Commission from time to time shall prescribe the parameters that are to be included in the database.

(f) Data pertaining to decisions of the Commission and data of other bodies like universities, Andhra Pradesh State Council of Higher Education, Heads of Department, etc shall be available to each other;"

(8) In rule 13 for clauses (a) (c) and (d), the following shall be substituted, namely:-

(a) The Government shall appoint a Secretary who shall be the Chief Executive Officer of the Commission as per Section 4 (2) of the Act and shall be the full time Member of the Commission.

(c) The Secretary to the Commission shall be appointed for a period of three years extendable further by the Government on the recommendation of the Chairperson by not more than two years or until he or she attains the age of 70 years whichever is earlier;

(d)The Secretary to the Commission shall receive the pay and other allowances admissible to the full time member of the Commission".

(9) In rule 14 (1);

(i) in sub-rule (1) in clause (a) for the words " Joint Director" the words Joint /Deputy Director" shall be substituted;

(ii) for sub-rule (3), after the words " on outsourcing basis " the words " or on deputation" shall be inserted.

(iii) In Sub-rule (5), after the words " the Secretary of the Commission" the words " the Commission" shall be inserted.

3. This orders issues with the concurrence of the Finance Department vide U.O No.FMUOPC(HTE/17/2019, Dated:21.7.2020.(Computer No.935971).

4. The Secretary, Andhra Pradesh Higher Education Regulatory and Monitoring Commission, shall take necessary action accordingly in the matter.

SATISH CHANDRA,

Special Chief Secretary to Government.

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